



CHESAPEAKE BAY FOUNDATION

Environmental Protection and Restoration
Environmental Education

Senate Bill 96

Environment – Impact of Environmental Permits and State Agency Actions

Date: March 5, 2024
To: Education, Energy, and the Environment Committee

Position: **Favorable with Amendment**
From: Gussie Maguire
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Chesapeake Bay Foundation (CBF) **SUPPORTS WITH AMENDMENT** SB 96, which requires the Maryland Department of the Environment (MDE) to evaluate climate and environmental equity impacts when issuing and renewing environmental permits that may impact overburdened or underserved communities. Requiring this evaluation means that MDE must consider the cumulative impact of environmental pollutants in these communities, rather than just limiting a single facility's emissions or discharges to align with state standards. The bill also requires that MDE be more transparent in its permit issuances by giving residents opportunities to opt-in to notifications about permit approvals in and adjacent to their census tract.

No one wants a significant source of pollution near their home, but communities with fewer resources to influence siting of landfills, wastewater treatment plants, waste incinerators, confined animal feeding operations, and other industrial facilities have been forced to accept these major dischargers for decades. Proximity to pollution sources leads to negative health outcomes for residents of these overburdened and underserved census tracts¹. Under its current requirements, MDE issues permits for individual facilities without regard for the concentration of pollutants being emitted within a single census tract. As long as all facilities meet their emissions limits, vast amounts of particulate matter and toxic chemicals, for many of which there is no "safe" level of exposure, can legally be released into the air and water surrounding a community. Furthermore, as MDE continues to administratively extend permits without review, impact upon those communities has been effectively ignored- as have even egregious permit exceedances and outdated, insufficient pollution limits².

SB 96 falls short, however, in addressing one of the greatest contributors to negative human health outcomes, and a direct contributor to nutrient pollution in the Chesapeake Bay: air pollution. By only requiring that air quality control permits to construct be considered under this regulation, the bill does not allow for the impact of large-scale polluters like the BRESKO incinerator to be factored into decision-making. The incinerator is regulated under a Title V permit to operate; other omissions include minor source air permits to operate and Certificates of Public Convenience and Necessity, issued by the Public Service Commission.

¹ <https://www.jacionline.org/action/showPdf?pii=S0091-6749%2822%2902555-6>

² <https://www.marylandmatters.org/2022/03/12/shorerivers-put-an-end-to-zombie-permits-and-hold-polluters-in-md-accountable/>

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Maryland has a long history of environmental inequities, from coal dust-covered neighborhoods of South Baltimore to rural Eastern Shore communities reeling from the smell (and nutrient pollution) discharged from animal rendering facilities. Requiring a holistic appraisal of environmental impacts from polluting facilities will protect public health, help preserve economically critical waterways, and begin to address longstanding injustices. This bill, with the addition of a broader range of air quality permits, will be a step in the right direction.

CBF urges the Committee's FAVORABLE report on SB 96, with the suggested amendment to include an expanded range of air permits to the list of those required for consideration.

For more information, please contact Matt Stegman, Maryland Staff Attorney, at mstegman@cbf.org.